

REMARKS

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

B. Drawings

The Examiner objected to the drawings because the numerals and lines were not consistently thick and uniform and suggested certain corrections. These suggestions are appreciated and adopted herein. Replacement sheets for each of the three figures are attached.

C. Claim Status

Claims 1-19 had been canceled previously.

Claims 20-32 and 34-37 are pending in this application.

Claim 20 has been amended to add the limitations of claim 33 and claim 33 has been canceled. And such was deemed patentable in the International Preliminary Examination.

Claims 21-32 and 34-37 have also been amended herein to delete the use of the identifier numerals in the claims and to place them into more conventional U.S. format.

Furthermore, claims 21, 25, 29, and 31 have likewise been amended herein to address the objections and 112 rejection made in the Office Action.

D. Claim Objection

The Examiner objected to the claims and suggested certain amendments. These suggestions are appreciated and adopted herein.

Claims 20-32 and 34-37 had been objected to as confusing for using the identifier numerals in the claims. Claims 20-32 and 34-37 have been amended herein to delete the use of the identifier numerals in the claims and to place them into more conventional U.S. format.

Claim 21 had been objected to as being dependent on canceled claim 1. Claim 21 has been amended herein to be depended on claim 20.

Claim 25 had been objected to as being for not being in a new paragraph spaced from claim 24. Claim 25 has been amended herein to begin in a new paragraph and spaced from claim 24.

Claims 25, 29 and 31 had been objected to using the term “zip fastener”. Claims 25, 29, and 31 have been amended herein to use the term “zipper fastener”.

E. 112 Rejection

Claims 26 and 29 had been rejected under 35 USC 112, second paragraph, as being indefinite for using the term “Velcro”. Claims 26 and 29 have been amended herein to recite that the term “hook and loop”.

Respectfully, the claims now presented herein are definite.

F. The Invention

The present invention relates to sports clothing for team sports which use a ball, especially soccer, rugby, handball or basketball. Sports clothing for various team sports that use a ball are under specific regulations which state that the upper part (shirt) has to be tucked into the lower part (shorts) at all times to avoid an infringement of the game. According to the present invention, the upper part and the lower part of the sports clothing are embodied as one piece, wherein oversHORTS are arranged over the lower part, maintaining the required aesthetic appearance of the sports clothing in spite of the fact that a one-piece design is employed. This unique aspect of the present design makes it easier to comply with the existing rules and regulations governing the wearing of sports clothing.

Another unique aspect of the present invention is that the lower part is made of an elastic material and is cut such that it fits tightly around the wearer's thighs. This aspect insures that the sports clothing of the present invention is secured on the player's body in the hip region, making it more difficult for the clothes of a player to be gripped. To emphasize this unique aspect of the present invention, independent claim 20 has been amended herein to recite the lower part is made of elastic material and is cut such that it fits tightly round the wearer's thighs. Respectfully, the prior art cited by the Examiner does not teach or suggest sports clothing wherein the lower part is made of elastic material and is cut such that it fits tightly round the wearer's thighs.

G. Prior Art Rejection

The Examiner had put forward seven prior art rejections. The prior art rejections are as follows:

- (1) Claims 20-24, 34 and 35 had been rejected as being anticipated by Rosenberg;
- (2) Claims 29-31 had been rejected as being unpatentable over Rosenberg;
- (3) Claims 20, 25-27 had been rejected as being unpatentable over Sweeney in combination with Pedrick;
- (4) Claims 33 and 36 had been rejected as being unpatentable over Rosenberg in combination with Munjone;
- (5) Claim 28 had been rejected as being unpatentable over Rosenberg in combination with Hochman;
- (6) Claim 32 had been rejected as being unpatentable over Rosenberg in combination with Green; and
- (7) Claim 37 had been rejected as being unpatentable over Rosenberg in combination with Diamond.

As noted above, the limitation of claim 33, wherein the lower part is made of elastic material and is cut such that it fits tightly round the wearer's thighs, has been added to claim 20 (independent claim herein). It is respectfully submitted that rejections 1-3 and 5-7 are now moot because of the amendment made to claim 20.

Turning to the combination of Rosenberg and Munjone, rejection 4, above, Rosenberg had been cited to teach sports clothing capable of being worn for team sports that use a ball, especially soccer, rugby, handball or basketball, said sports clothing comprising an upper part and a lower part, said upper part and lower part being designed in one piece when used as intended, characterized by overshorts arranged over the lower

part. The Examiner states Rosenberg fails to teach the lower part wherein the lower part is made of elastic material and is cut such that it fits tightly round the wearer's thighs.

As noted above, the limitation of claim 33, wherein the lower part is made of elastic material and is cut such that it fits tightly round the wearer's thighs, has been added to claim 20 (independent claim herein). It is respectfully submitted that the claim 20 as presented herein is patentable over the teachings of Rosenberg.

Turning to Munjone, the Examiner stated that Munjone teaches sports clothing having inner shorts and oversHORTS, wherein the materials used are elastic materials that would fit tightly around the wearer's thigh. Applicants respectfully traverse this point on two grounds.

First, the oversHORTS 12 are not cut such that it fits tightly round the wearer's thighs. By design, the oversHORTS are larger than the inner sports brief 18, such that the inner sports brief is positioned inside the oversHORTS as depicted in cross sectional view 6. See also col. 5, lines 35-37.

Second, the recitation at col. 5, lines 42-48, state that only the NEOPRENE strip 42 at the lower ends of the leg part of the inner shorts 18 provides a snug fit around the user's leg. In its operative orientation, the inner shorts 18 provide support to the users around the genital region.

In contrast, the present invention is directed to sports clothing wherein the lower part is cut such that it fits tightly round the wearer's entire thighs. The present invention insures that the wearer's entire thigh muscles are supported by application of a light compression. This advantageously also has the effect of making it more difficult for an opponent to grip hold of the lower part.

It is respectfully submitted that the claims 33 and 36 as presented herein are patentable over the teachings of Rosenberg and Munjone, taken alone or in combination.

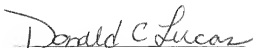
H. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:

A handwritten signature in dark ink, appearing to read "Donald C. Lucas". The signature is fluid and cursive, with the first name "Donald" and last name "Lucas" being clearly legible.

Donald C. Lucas, 31,275

Attorney for Applicant(s)

475 Park Avenue South, 15th Floor

New York, NY 10016

Tel. # 212-661-8000